

REMARKS

The application was filed on 10 September 1999 with twenty-one claims. The Examiner, on 03 October 2002, first rejected claims 4-7, 17, 16 and 19 under 35 U.S.C. §112; claims 19 and 20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,385,708 entitled *USING A TIMING-LOOK-UP-TABLE AND PAGE TIMERS TO DETERMINE THE TIME BETWEEN TWO CONSECUTIVE MEMORY ACCESSES* to Stracovsky et al. (Stracovsky '708); and claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over Stracovsky '708 in view of U.S. Patent No. 6,088,772 entitled *METHOD AND APPARATUS FOR IMPROVING SYSTEM PERFORMANCE WHEN REORDERING COMMANDS* to Harriman et al. (Harriman '772). Applicants revised the specification and amended claims 1, 16, 17, and 19 to remove rejections under 35 U.S.C. §112. Applicants traversed the rejection of the claims based on the art of Stracovsky '708 alone and in combination with Harriman '772. Applicants submitted formal drawings. The Examiner finally rejected claims 19 and 20 under Stracovsky '708, and claims 1-18, 21 under Stracovsky '708 and Harriman '772. Applicants attempted to amend the claims to put them in condition for allowance and/or in better condition for appeal but the amendments were not entered.

On 23 July 2003, Applicants filed a Request for Continued Examination. The Examiner then issued a new rejection of claims 19 and 20 under 35 U.S.C. §103(a) over Stracovsky '708 and U.S. Patent No. 6,601,151 entitled *Apparatus and METHOD FOR HANDLING MEMORY ACCESS REQUESTS IN A DATA PROCESSING SYSTEM* to Harris (Harris '151), but still maintained the original rejection of claims 1-18 and 21 under 35 U.S.C. §103(a) over Stracovsky '708 and Harriman '772. Applicants traversed the rejections under 35 U.S.C. §103(a) over the combinations of Stracovsky '708 with Harriman '772 or with Harris '151.

The Examiner then rejected claims 1-18 and 21 under 35 U.S.C. §103(a) as being unpatentable over Stracovsky '708 and Harriman '772 and U.S. Patent No. 6,145,052 entitled *DISK DRIVE WITH ADAPTIVE POOLING FOR COMMAND REORDERING* to Howe et al. (Howe '052); the Examiner also rejected claims 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Stracovsky '708 and Harris '151 and Howe '052. Claims 19 and 21 were amended.

The Examiner then issued a rejection of claims of claims 1-16 and 18 under 35 U.S.C. §103(a) as being unpatentable over Stracovsky '708, Harriman '772 and U.S. Patent 5,729,718 entitled System for *DETERMINING LEAD TIME LATENCY AS FUNCTION OF HEAD SWITCH, SEEK, AND ROTATIONAL LATENCIES AND UTILIZING EMBEDDED DISK DRIVE CONTROLLER FOR COMMAND QUEUE REORDERING* to Au (Au '718). The Examiner also rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over Stracovsky '708 and Harriman '772. The Examiner allowed claims 17, and 19-20.

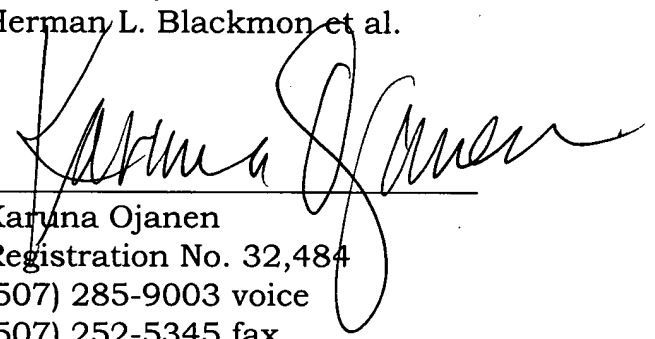
In response, Applicants cancel claims 1-3, 9-16, 18, and 21. Claims 4-8 have been amended to be dependent upon allowable claim 17. Claims 4-8, 17, 19-20 are pending and are believed allowable. None of the references, including Stracovsky '708, Harriman '772, and Au '718, teach or suggest "determining memory cycle performance penalties of categorized commands by comparing a number of oldest received categorized commands with each other, with a currently chosen command, and with a previously chosen command" in combination with the other elements set forth in claims 17 and 19.

Applicants respectfully request the Examiner to renumber claims 4-8 to be dependent upon claim 17. Applicants further thank the Examiner for his careful review of the application and invite the Examiner to telephone Attorney for Applicant if there are any outstanding issues to be resolved before the application is passed to issuance.

Respectfully submitted,
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